



# **FREDERICK COUNTY PLANNING COMMISSION**

## **February 13, 2019**

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**TITLE:** **Wendy's at Westview South MXD  
(Saul Center)**

**FILE NUMBER:** **SP-98-36, AP #18976,  
APFO #18977, FRO #18978**

**REQUEST:** **Site Development Plan**

The Applicant is requesting Site Development Plan approval for a new 2,562 s.f. restaurant to be constructed on a 45,000 s.f. pad Site (Lot 104) of the Westview Village commercial center (Saul Center) in the Westview South MXD

**PROJECT INFORMATION:**

**LOCATION:** Located on west side of Buckeystown Pike (MD 85), within the Westview Village commercial center; South of Shockley Dr./Crestwood Blvd.  
**TAX MAP/PARCEL:** Tax Map 86, Parcel 269, Lot 104  
**COMP. PLAN/LAND USE:** Office/Research/Industrial (ORI)  
**ZONE:** Mixed Use Development (MXD)  
**REGION:** Frederick  
**WATER/SEWER:** W-3, S-3

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** NPC Quality Burgers  
**OWNER:** Westview Village Center, LLC  
**ENGINEER:** Frederick Seibert & Associates  
**ARCHITECT:** Linear! – Marc Brundige  
**ATTORNEY:** Not Listed

**STAFF:** Denis Superczynski

**RECOMMENDATION:** Conditional Approval

**Attachments:**

Exhibit #1 - Site Plan - Rendering  
Exhibit #2 – Building Elevations  
Exhibit #3 – Modification Requests (lighting)  
Exhibit #4 – Saul Center – Signed Approval Statement of Proposed Design

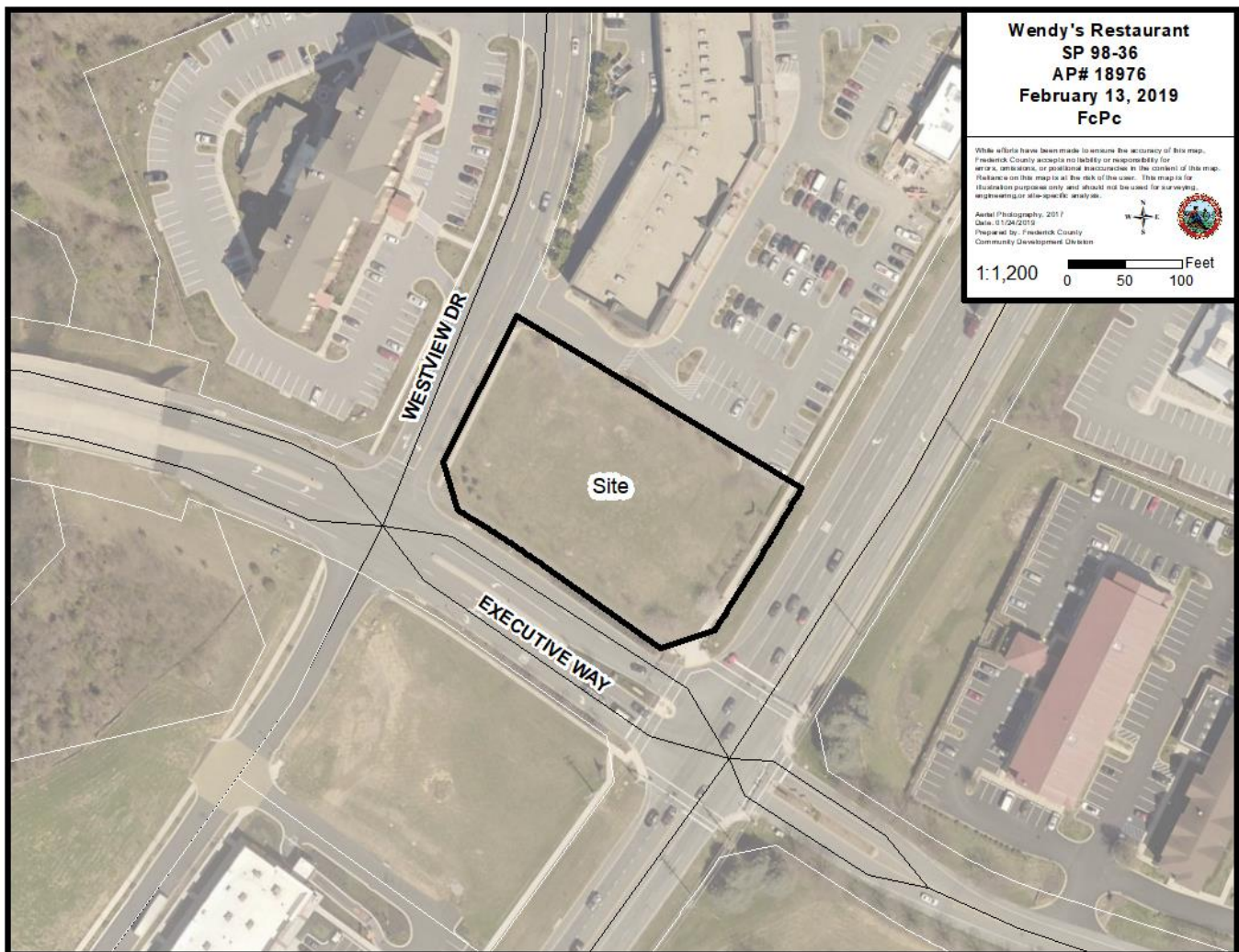
# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Site Development Plan approval for a 2,562 s.f. Wendy's restaurant to be constructed on a 45,000 s.f. pad site (Lot 104) in the Westview South MXD (Saul Center). The proposed development of this portion of the Westview Village commercial site would see the construction of a new restaurant building while maintaining or modestly updating the surrounding areas adjacent to the Site including parking and vehicular access, pedestrian pathways, and landscaping.

The original site plan contemplated a 4,000 s.f. bank building on Lot 104. With this proposal to build the restaurant - a smaller structure than originally anticipated on this Site - most site plan standards are previously satisfied and the Applicant primarily seeks Planning Commission approval of the design of the structure and Site in compliance with the Mixed Use District rezoning conditions (#R-00-02; Ordinance # 01-15-289) as well as the standards established in the Zoning Ordinance for activity in the Mixed Use District.





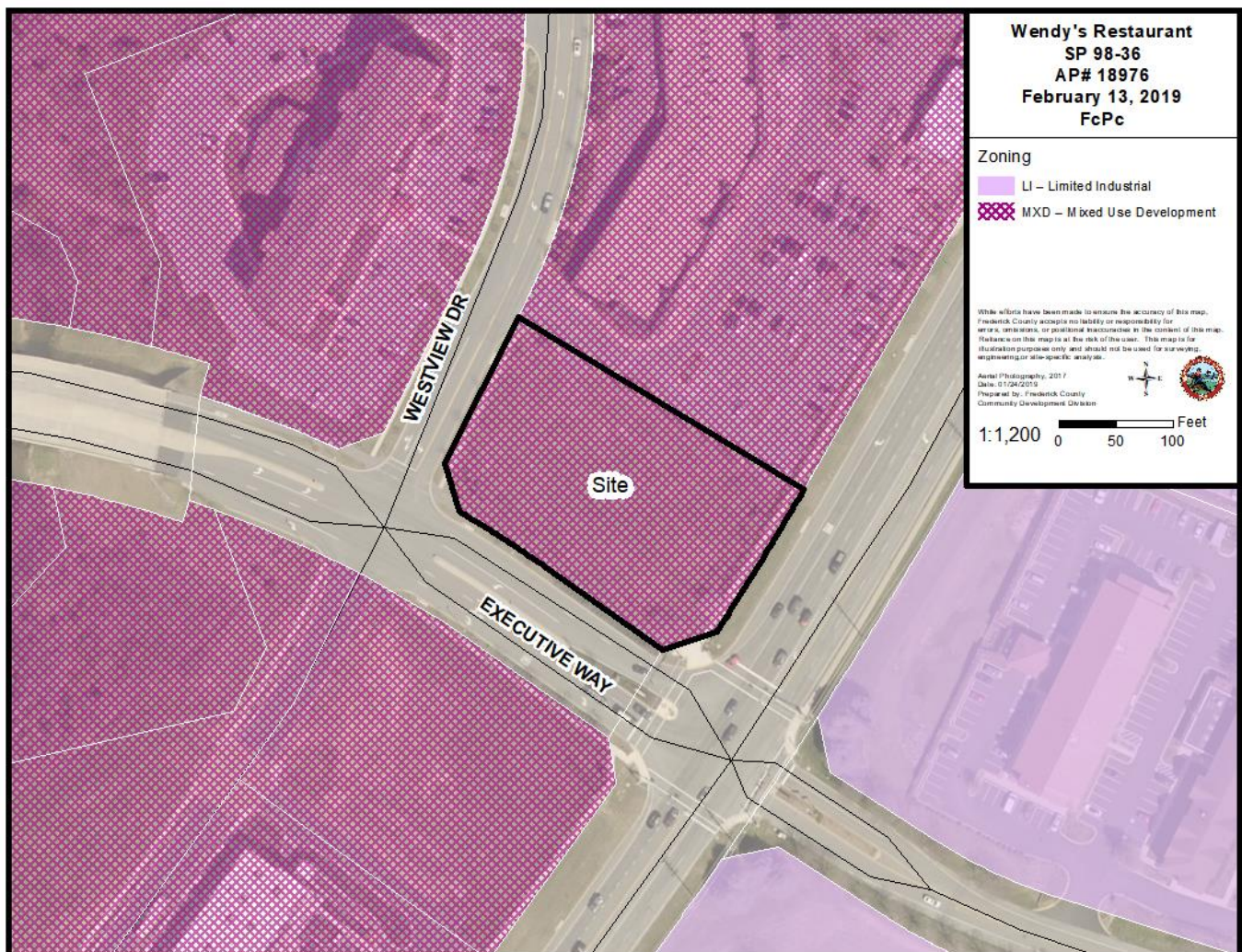
## **BACKGROUND**

### **Development History**

The subject Site was originally rezoned to MXD by the BoCC in 1994 as the *Westview MXD* in adopted Ordinance # 94-14-109. A subsequent revision to the MXD, approved by the BoCC in June 2001 (Ordinance # 01-15-289) as the Westview South MXD, split off a 200-acre portion of the Westview MXD, with the most significant change being the removal of the residential land use component from the approved land use mixture. In 2013, another rezoning was approved by the Board of County Commissioners that resulted in the reintroduction of a residential land use component to the Westview South MXD.

While one commercial 'pad' site remains undeveloped (a previously approved restaurant site shown as Building 4, on the original Overall Site Plan), the balance of the Westview Village commercial area has been approved and constructed.

The Silver Diner restaurant received site plan approval from the Planning Commission in September 2015, replacing a restaurant on pad site #3 (Mimi's Café) that had received approval in 2005. Krispy Kreme opened its store on pad site #5 in 2017 after receiving Planning Commission approval in August 2016.





## Existing Site Characteristics

The subject Site is vacant and is bound on three sides by public roadways – Buckeystown Pike (MD 85) on the east, Executive Way on the south, and Westview Drive on the west. The area north of Pad #5 includes previous site improvements (parking, landscaped areas) and one of the two larger, multi-user structures in the Saul Center complex (Lot 100).

The existing Site is flat, having been prepared for development during the initial construction of the commercial center. No significant regrading of the Site is proposed. Some of the existing landscaping material in the immediate vicinity of the building site (areas along the MD 85 and Executive Way frontages) will remain after construction. A new landscape plan that identifies additional and replacement plantings is provided as sheet 11 of the plan set.

An existing network of sidewalks and crosswalks serves the Westview Village commercial center. The existing commercial and office areas developed as part of the Westview MXD projects are proposed to be connected to the Wendy's Site through modest improvements proposed in this site development plan application.



**Figure 1 - Aerial view of the Westview South-Saul Center site looking west**

Surrounding land uses include:

North – The area directly across the proposed entry drive is occupied by the existing Lot 100 multi-user structure.

West – A hotel is situated to the west of the proposed Wendy's restaurant.

South – Additional retail and hotel uses are located across the street (Executive Way).

East – The eastern side of MD 85 includes the Maryland SHA District office complex and the Monocacy Business Center light industrial park.

### Land Use

The proposed construction of the Wendy's restaurant – at 2,562 s.f. in size – represents a net decrease in the building area proposed for this pad site (Lot 104) as well as the total originally approved for development on Lot 100. A change in the originally-approved use – from a bank to a restaurant - is proposed and Staff finds that the development activity will result in no intensification of land uses on Lot 104 or adjacent lands subject to the approved Site Plan (SP 98-36).

The proposed restaurant will continue to provide a land use consistent with the provision of a mix of land uses as approved in the initial and subsequent rezonings of the property to MXD.



Figure 2 - Aerial view of the Wendy's site looking west

### Frederick County Comprehensive Plan

The area is designated 'Office Research Industrial (ORI)' on the Comprehensive Plan Land Use Plan map and is located within the Ballenger Creek Community Growth Area. No county, community, or corridor plan has been adopted for the Buckeystown Pike corridor or the growth areas south of Frederick. Generally, the proposal demonstrates adherence to the general principles for compact development outlined in the County's Comprehensive Plan through the continuation of a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas served by public infrastructure and facilities.

### Zoning

The Site is currently zoned 'Mixed Use Development (MXD)'. Most land immediately surrounding the Site on the west and south is zoned Mixed Use Development (MXD), with the areas north and east zoned Office Research Industrial (ORI), General Commercial (GC), and Limited Industrial (LI). Uses in the vicinity remain primarily commercial or industrial with few residential structures in the immediate vicinity.

### Conditions of Approval

Rezoning of the Westview South MXD (#R-00-02) occurred on June 28, 2001 and included conditions

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relevant to the review of architectural and site design elements of this Site Development Plan application. These conditions of approval can be found on Sheet 1 of the plan set. Since the proposed development does not increase density or intensity when compared to the originally-approved development on Lot 104, the project remains subject to the MXD Code requirements and conditions in effect at the time of approval. Therefore, the project has been reviewed to ensure consistency with the MXD district provisions in section 1-19-324 of the Zoning Ordinance, the rezoning conditions of approval, and applicable design requirements.

#### Rezoning Conditions:

*Condition #4.* “The office/accessory retail area shown on the land use plan attached to Ordinance No. 94-14-109 as Exhibit A shall be developed so as to minimize strip commercial appearance on Maryland Route 85.”

Staff Finding: While the placement of commercial pad sites along Buckeystown Pike – without the density of building mass necessary to establish a more continuous building frontage along the west side of the corridor – may reflect some elements of ‘strip commercial appearance’, it is clear that the intention of the original layout for the Westview Village was to create a dual-layered and more internally-oriented commercial retail center than is typical for post-war commercial strip development in the region. The provision of a sidewalk along MD 85 helps to reduce the appearance of highway-oriented development at the center. The architectural form of the proposed Wendy’s restaurant reflects, to an adequate extent, architectural elements and materials found in the existing structures of the commercial center and is oriented in such a way as to provide straightforward pedestrian access from within the development. Staff finds that the proposed site plan minimizes the strip commercial appearance on MD 85 as much as is possible given the existing arrangement of the commercial center. With a similar building footprint, location and layout there is no significant difference between the originally-approved bank structure and the proposed restaurant structure as they relate to strip commercial appearance along MD 85.

*Condition #7.* “Architectural review of the commercial office areas shall be required by the Planning Commission at the time of site plan approval. This architectural review shall be to ensure compatibility with the existing and surrounding neighborhood and for compliance with the purpose and objectives of this ordinance and mixed use development district as stated in Sec. 1-19-324 of the Frederick County Code.”



Figure 3 - Westview Village Facades

Staff Finding: Section 1-19-324 (2) (c) of the Mixed Use Development regulations, as it was stated in the pre-2008 County Code and referenced in the above rezoning condition, noted an objective of the MXD district to be: “Creating open spaces, civic buildings and/or *architectural treatments that act as landmarks, symbols and activity centers that provide a strong sense of identity and uniqueness.*” This language states clearly an intention that mixed use centers within the County provide unique design elements that will serve as visual catalysts for intensive levels of human activity best accommodated in visually interesting environments. The use of the Wendy’s red ‘slab’ as an architectural element in the proposed structure, will provide an easily recognizable visual landmark for drivers and pedestrians in the vicinity while maintaining an overall building massing that is consistent with other structures previously approved in both the Westview Village and Westview Promenade projects. Overall, the design of the restaurant reflects recent trends in fast-food design that downplay garish elements, minimize or eliminate unnatural color palettes, and utilize creative signage packages.



**Figure 4 - South facade of Wendy’s featuring colored panels and masonry elements**



**Figure 5 – Comparison of older Wendy’s store design vs. the new standard store design**

*Condition F.* “The Frederick County Planning Commission as part of the site plan approval in order to ensure that the objectives of the MXD zoning district are met must approve the type of commercial retail uses.”

Staff Finding: Although a change of use is proposed as part of this development application for Lot 104,

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the restaurant use that is the subject of this Site Development Plan application has been approved generally by the Planning Commission in its original approval of land uses within the mixed use center.

*Condition G.* “The architectural design theme of the commercial retail area must be submitted to Frederick County Planning Commission for review and approval concurrent with any site plan approval.”

Staff Finding: The ‘architectural design theme’ of the commercial center was submitted to, and approved by, the Planning Commission in September 2005. (See Sheets 7 and 8). Architectural elevations for the free-standing structures were not provided at the time, presumably to allow for some flexibility in the development of autonomous restaurant sites. The Applicant has provided documentation that demonstrates use of a color and materials palette that is generally consistent with the existing attached structures of the retail/office portion of the commercial center. Specifically, the masonry facing material represents a good visual match with the existing buildings and serves to ‘ground’ the building on the Site. The red panel ‘slab’ element – which serves as both an architecture feature and a strategically-designed visual ‘sign’, manages to reinforce the identity of the Wendy’s brand without resorting to large, out-of-scale, free-standing, strip commercial signage. The building also offers a nod to the mid-century styling of the Silver Diner and Krispy Kreme buildings located on pad sites #3 and #4, with the use of a bold, colorful, geometric element.

Undifferentiated facades and long plain wall sections are not present in this design. The drive-through face of the building – parallel to, and facing Executive Way – features a few design elements that serve to break up what could otherwise be presented as a plain façade. Changes in materials, and the breaking of the plane of the façade provide enough interest on all sides of the building to avoid any design pitfalls in this regard. The Applicant’s design for the restaurant successfully utilizes several features linking the building to the human scale not the least of which is the provision for outdoor seating and a prominent glazed curtain wall that provides for ample visual access on three sides of the building.



Figure 6 - Westview Village (view to south from private entry drive)



Staff Finding: Through the replication of key palettes present in the existing commercial center at Westview Village, the proposal for the Wendy's restaurant manages to establish an architectural form that complements the previous designs. The use of the red slab element provides strong brand identification while also providing a subtle reference to the mid-century design theme of the Silver Diner and Krispy Kreme buildings, its free-standing neighbors in the mixed use center. Staff finds that the architectural design of the proposed restaurant is compatible with the architectural theme of the existing center by borrowing elements of the color palette, building materials, and architectural elements used in the existing structures and by utilizing significant and recognizable components of traditional twentieth century commercial architecture and presenting them within the contemporary context of this mixed use development.



Figure 7 – North façade facing internal parking areas in shopping center



Figure 8 - MD 85 facade (left) and Westview Drive facade (right)

# ANALYSIS

## Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Compliance with the Westview South – Saul Center MXD rezoning conditions
- Continued compliance with general site plan standards in the Zoning Ordinance while acknowledging the status of the existing approved Site Plan # SP 98-36 (revised: August 2016)
- Providing any necessary alterations or improvements to the Site due to its development



Figure 9 - Aerial View of Wendy's Site (Lot 104) from the southeast

## Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** The Planning Commission has previously established the setback and building height requirements in the Westview South MXD. These dimensional standards have been based upon building type, building density, surrounding

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development, topographical or other site constraints, and application of appropriate urban design principles.

The Applicant is proposing to site the new building so as to meet the established setback requirements generally summarized as follows:

	<u>Required</u>	<u>Provided</u>
Front Yards:	25'	111.5' (west) 53.6' (south) 90.2' (east)
Side Yard:	15'	83.5' (north)
Rear Yards:	N/A (no rear yard for Lot 104)	N/A
Maximum Building Height (MXD):	60'	
Maximum Building Height (Wendy's):	24'	

The proposed Building Restriction Lines (BRLs) generally allow for the building to occupy the center portion of the Site while maintaining vehicular and service areas on the building's perimeter. The pattern originally established for the proposed bank building is maintained in this site design.

2. **Signage §1-19-6.300:** The Applicant is proposing signage as follows:

Permitted signage (total for Lot 104/Wendy's Site): 105.00 s.f.

Signage for this Site was allocated with the approval of the original site plan for Westview South-Saul Center. The Applicant proposes less than the permitted amount of sign area on the planned restaurant structure.

Proposed signage (total for Wendy's Site): 63.46 s.f.

Proposed signage for the restaurant is a combination of applied lettering and conventional building-mounted sign box/panels.

3. **Landscaping §1-19-6.400:** The landscaping plan contains a variety of plant species, which provides screening, shade, and a delineation of public and service spaces on the Site. Street tree requirements were met with the approval of the existing site plan, #SP 98-36 and those standards are maintained, and slightly enhanced, in this development of the Site. The planting schedule calls out conventional plant varieties and sizes that have been previously approved by the Planning Commission. The Applicant has proposed additional tree plantings both to add shade within parking areas and to provide additional street trees along the Site's three street frontages. With 595 linear feet of frontage, the street tree requirement would be for 17 trees. Twenty trees are currently planted and the Applicant is planting an additional three to supplement the existing specimens.

While the layout of the Site does not lend itself to internal planting islands capable of sustaining larger shade trees, the Applicant does meet the tree canopy requirement (20% required; 20.4% provided). The existing utility easement on the southeastern corner of the Site prevents the planting of deep-rooted vegetation that might otherwise be required to provide a vegetative screen. Staff recommends that the Planning Commission require some additional all-season

shrubby at the corner where it does not infringe upon the utility easement. Likewise, on the northwestern corner of the Site, there remains an opportunity to replace removed vegetation without interfering with turning vehicle movements or on-site utilities.

Staff finds the proposed landscape plan, including the additional vegetative screening recommended by Staff, to be consistent with the maintenance of the existing approved landscape plan for the area immediately surrounding the building site as well as consistent with standards established in Section 1-19-6.400.

4. **Lighting §1-19-6.500:** A photometric plan for the Site has been submitted by the Applicant to demonstrate compliance with Frederick County lighting standards. The proposed lighting plan is used primarily to provide illumination of the internal vehicular circulation network, seating areas, and service areas on the Site. As required in the Zoning Ordinance, proposed illumination levels at the property boundaries generally are proposed to remain below the 0.5 foot-candle (fc) level.

Lighting levels are projected to exceed 0.5 fc at three points on the building perimeter, reaching modest spillover levels of between 0.6 fc and 2.0 fc. Two of the light spillage areas would provide additional illumination to pedestrians along the perimeter sidewalk while the third modestly overlit area would add additional illumination to an internal parking drive aisle along the north side of the Site.

Staff finds the revised lighting plan to be consistent with the requirements of the Zoning Ordinance if a lighting modification request from the Applicant is approved by the Planning Commission.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

1. **Access/Circulation:** Access to and from the Wendy's Site will remain mostly unchanged with the proposed development of the restaurant. Two points of vehicular access will remain in place providing access on the internal side (non-street fronting) of the building and will not alter the existing parking arrangement of adjacent parking areas. Traffic flow through the Site is designed as one-way movement, thus simplifying vehicular movements through the dual drive-through lanes and allowing for angled parking within Lot 104. The location of the loading space and service area is located on the southeast side of the building in this proposal creating no special conditions needing resolution. Deliveries to the restaurant that require large truck unloading will occur during non-business hours and the provided location is practical in terms of business operations. Multiple access routes into the Westview Village development are available via MD 80 at Pegasus Court (north); MD 80 at Westview entry drive (immediately north of the Silver Diner restaurant); through the Westview Promenade center via internal drive aisles (north and south); and, via Westview Drive from its intersection with Executive Way south of the Site.
2. **Public Transit:** The #10 Mall-to-Mall Connector Transit bus route serves the adjacent Westview Promenade shopping area with a bus stop located less than 1,700 feet from the proposed Wendy's restaurant. Buses serve the Westview location between the hours of 6:15AM and 9:25PM on weekdays, and between the hours of 8:00AM and 9:45PM on Saturdays. Should service be extended to the Westview Village area, this Site is well situated to take advantage of safe and convenient pedestrian access between the existing commercial buildings and the proposed restaurant. The Route 85 Shuttle, with limited service (four stops daily) on Monday through Friday, passes close by on Governor's Way.

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3. **Parking:** Due to the mixed use nature of the Westview Village center and the development of multiple structures on the single Lot 100, the parking requirements of SP 98-36 were aggregated and listed on Sheet 1 of the originally-approved – and subsequently revised - Site Plan. All existing spaces will remain after redevelopment of the Wendy's Site.

The Applicant is proposing modifications to the Parking Summary Table (Sheet 1) to reflect the proposed modest decrease in the overall number of spaces provided (all shared spaces) serving the Saul Center development. The Applicant must also reflect the new parking standards established in Section 1-19-6.220 of the Zoning Ordinance by modifying the required number of spaces to a total consistent with the proposed development – approximately 600 spaces. Although the target parking requirement remains at 600, the number of spaces actually provided has increased over the years to 618, to meet the standard originally required, and mostly constructed, in the development of the mixed use center. On the Wendy's Site itself, the Applicant is proposing 22 parking spaces, one above the calculated requirement for a restaurant with a service area of 1,025 s.f. In total, the parking target for the entire development is set at 640 spaces (618 existing spaces + 22 proposed Wendy's spaces).

Staff finds that the development standards for parking and loading spaces have been met with this proposal.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** 5 ft. wide sidewalks (or larger) are proposed for those pedestrian routes along the perimeter of the proposed building. A demarcated pedestrian crossing area is provided to link the proposed perimeter sidewalk to the existing commercial structures in Westview Village. Sidewalk connections are proposed on the eastern and southern sides of the building that will link pedestrians on Buckeystown Pike and Executive Way to the customer entrances via the internal pedestrian network.
5. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided for bicycle parking as follows in accordance with the Zoning Ordinance:

Commercial use: (1 rack per 20 required parking spaces)

Required: 2 bike racks

Provided: 2 bike racks (spaces for 4 bicycles)

The Applicant must provide a reference to the County's Bicycle Parking Guidelines on the sheet that currently includes the bike rack detail.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

### **Findings/Conclusions**

1. **Public Water and Sewer:** The Site is currently served by public water and sewer although it is classified W-3/S-3 in the Frederick County Water and Sewer Plan. Private utility lines are already in place on the Site. No new connections to the public systems are required as part of this Site Plan.

**Natural features §1-19-3.300.4 (D):** *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

### **Findings/Conclusions**

1. **Natural Features:** This application is limited to an area that has been previously developed.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area/Open Space:** Open space requirements for the development of this existing MXD have been addressed in the previous Site Plan approvals.

No changes are proposed other than the installation of the small outdoor seating area on the northeast corner of the restaurant near the main entrance to the building.

### **Other Applicable Regulations**

#### ***Adequate Public Facilities Ordinance (APFO) – Chapter 1-20***

This section of the MXD is subject to LOU road improvement agreements that have been previously executed. No amendments to the existing APFO-LOU are required since the redevelopment represents no change, expansion, or intensification of the land use. As indicated in the Trip Generation Analysis letter dated 10/2/18, by Wells and Associates, this project is expected to generate 51 AM and 34 PM trips during the peak hours of adjacent street traffic, does not exceed trip caps from prior approvals, and is thus exempt from further APFO consideration.

#### ***Forest Resource Ordinance (FRO) – Chapter 1-21***

Forest Conservation was previously mitigated for this property by the recordation of forest conservation easements offsite (AP 2582). No forest or specimen trees are present within the area of disturbance.

#### ***Stormwater Management (SWM) – Chapter 1-15***

This Application includes an approved Concept Stormwater Management plan. Final construction details will be reviewed upon submission of improvement plans for the Site.

### **Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Site Plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas. Staff will continue to work with the Applicant as the project moves through the remainder of the development process.



## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditionally Approved
<b>Development Review Planning:</b>	Conditionally Approved
<b>State Highway Administration (SHA):</b>	Waived
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Conditionally Approved
<b>Forest Resource (FRO)</b>	Approved
<b>Health Dept.</b>	Approved
<b>Office of Life Safety</b>	Conditionally Approved
<b>Street Naming</b>	Approved
<b>DPDR Traffic Engineering</b>	Conditionally Approved
<b>APFO</b>	Conditionally Approved

### **Findings/Conclusions**

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff has no objection to conditional approval of the site development plan if the Applicant successfully satisfies the recommended conditions listed below.

Staff notes that if the Planning Commission conditionally approves the site development plan, the plan will be valid for a period of three (3) years from the date of Planning Commission approval or through February 13, 2022.

## **RECOMMENDATION**

Staff has no objection to conditional approval of the proposed site plan for Wendy's Restaurant at Westview South MXD (Saul Center). If the Planning Commission conditionally approves the plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through February 13, 2022).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

### **Staff-proposed conditions of approval:**

1. Address all agency comments as the plan proceeds through completion.
2. Provide additional vegetative screening at the southeastern corner of the Site outside of the existing utility easement area.
3. Provide some replacement vegetation on the northwestern corner of the Site with a preference toward a tree or tree-like shrubs.
4. Approval of the revised Parking Summary Table (Sheet 1) indicating amended parking requirements for the Westview Village center.
5. The Applicant shall provide a reference to the County's Bicycle Parking Guidelines on the sheet that currently includes the bike rack detail.
6. Provide revised modification request for lighting in excess of 0.5 fc at three points on the building perimeter, as identified on the photometric plan.

### **Planning Commission approval of the following modification requests from the Applicant:**

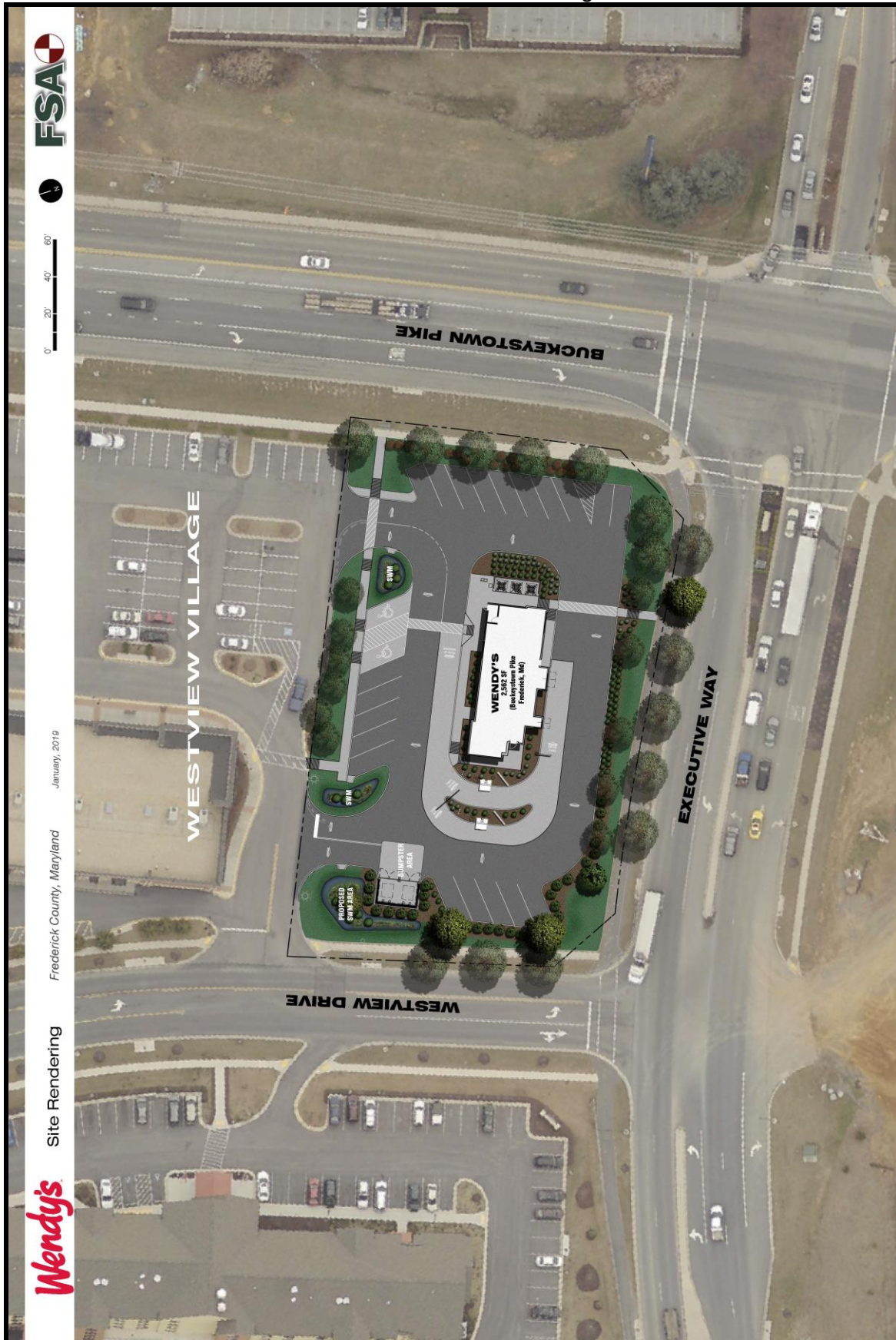
1. Planning Commission approval of a lighting modification to allow levels of illumination to exceed 0.5 fc at three areas along the northern, eastern, and southern Site boundaries as demonstrated on the photometric plan.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE Site Plan SP-98-36** (AP #18976, APFO #18977, & FRO #18978) **with modifications and conditions** as listed in the staff report for the proposed Wendy's Restaurant at Westview South MXD (Saul Center), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.







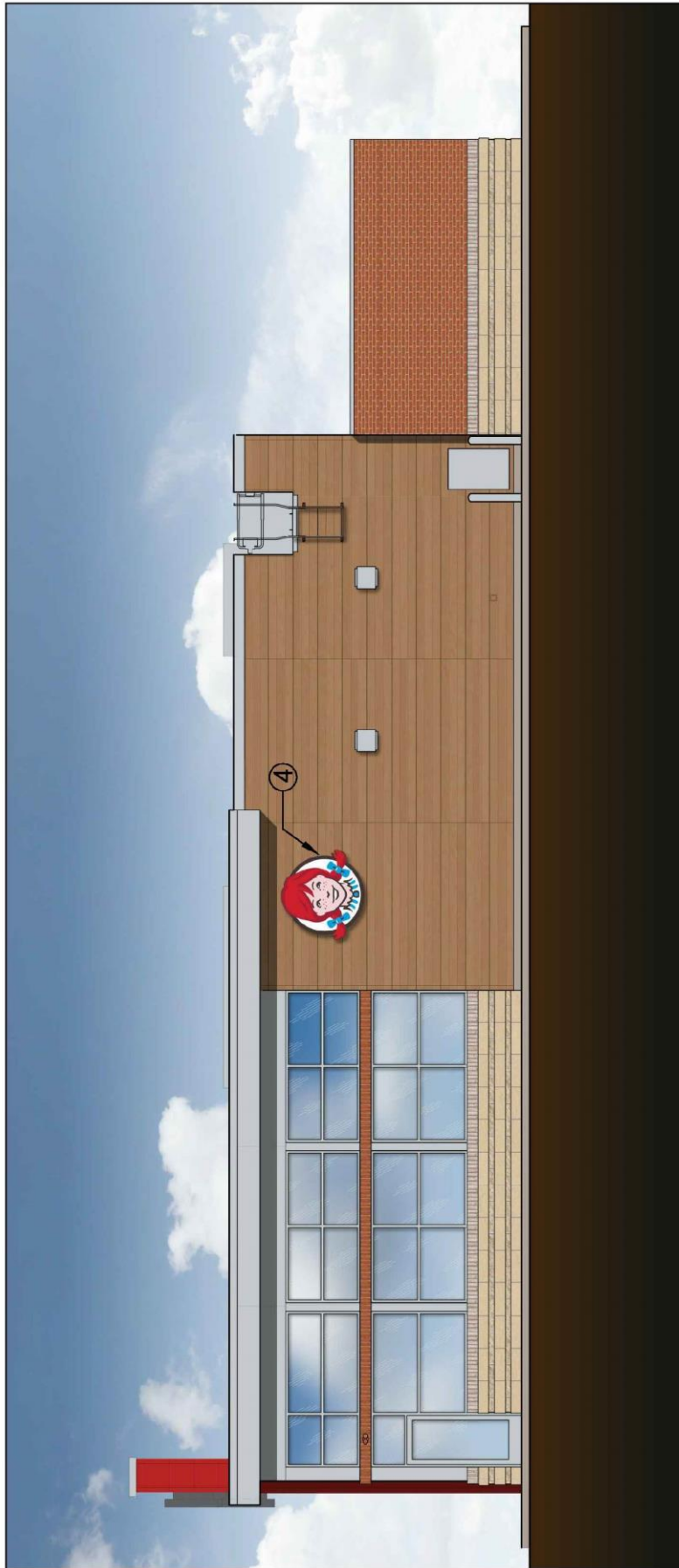


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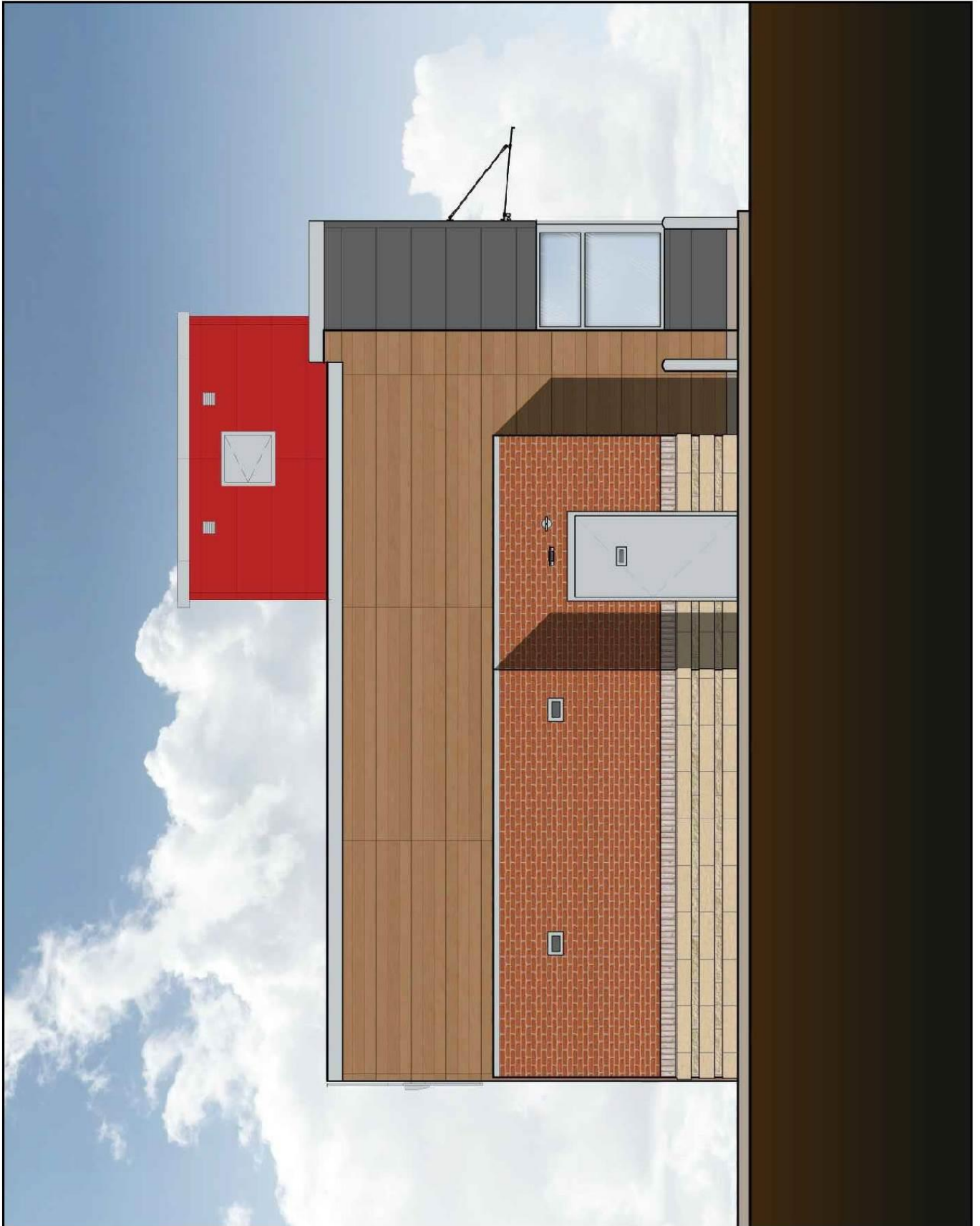
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**See Condition #6**



## SAUL HOLDINGS LIMITED PARTNERSHIP

7501 Wisconsin Avenue, Suite 1500E, Bethesda, Maryland 20814  
301.986.6200

November 16, 2018

VIA EMAIL

Wendy's

7300 W. 129<sup>th</sup> Street

Overland Park, Kansas 66213

Attn: Bob Kralicek

**Sub:** Lease Agreement dated October 10, 2018 by and between Westview Village Center LLC ("Landlord") and NPC Quality Burgers, Inc. T/A Wendy's ("Tenant") at Westview Village Center ("Location").

Dear Bob:

The enclosed set of Tenant's drawings and specifications received by Landlord on November 8, 2018 have been reviewed under the provisions of the above referenced lease. Landlord's review is summarized as follows:

<u>Plan No./Title</u>	<u>Landlord Review Comments*</u>
SP1-SP6 (Specification Sheets)	Approved

(\*Any drawing marked "Approved as Noted" is approved by Landlord under the Lease, provided it is revised per Landlord's notes and resubmitted to Landlord for record within seven (7) days of Tenant's receipt of this letter. Any drawing marked "Revise and Resubmit" or "Disapproved" is disapproved by Landlord under the Lease.)

As a reminder, Tenant must comply with all of Landlord's review comments and any Landlord approval provided hereunder in accordance with the Lease, and Tenant must submit to Landlord any and all proposed changes to Tenant drawings and specifications.

Please be advised that Landlord's review and any Landlord approval are only for the purpose of determining Tenant's conformance with the design concept of the project and Tenant's compliance with the information and comments on its drawings and specifications. Neither Landlord review nor any Landlord approval releases the Tenant from Tenant's obligation to comply with all Lease requirements. Tenant responsibilities under the Lease include, but are not limited to, all costs, design, labor, materials, tools, equipment, supervision, insurance, permits, approvals and compliance with all codes associated with Tenant's work.

If you have any questions, please call me directly at (301) 986-6093.

Sincerely,



Jacquelyn Trayers  
Construction Tenant Coordinator  
Construction and Development  
cc: Construction File

